

PETITION FOR ZONING VARIANCE 84-297-A TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A.04.1.B.3 (RC-5 Setback Requirements) to permit a setback of 50 ft. to the centerline of the street in lieu of the required 75 ft. and a rear yard setback of 20 ft. instead of the required 50 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty.)
Hardship and practical difficulty. There is insufficient space on this piece of property for a single family dwelling to be located without a setback variance for both the front and rear of the property. A variance is requested in order to be able to locate a house on the property and still meet the health department requirements for distance from the stream and topological difficulties associated with this lot.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Attorney for Petitioner: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Attorney's Telephone No.: _____

Legal Owner(s):
James Patrick Pardew
(Type or Print Name)
Signature _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
James Patrick Pardew
Name
1005 Rayville Rd., Parkton (343-0319)
Address
21120 Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 20th day of March, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 7th day of May, 1984, at 10:00 o'clock A.M.

Cal Jahn
Zoning Commissioner of Baltimore County.

(over)

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Legal Owner(s):
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Signature _____
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(Type or Print Name)
Signature _____
Address _____
City and State _____
Attorney for Petitioner: _____
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Signature _____
Address _____
City and State _____
Attorney's Telephone No.: _____

Legal Owner(s):
James Patrick Pardew
(Type or Print Name)
Signature _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
James Patrick Pardew
Name
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Cal Jahn
Zoning Commissioner of Baltimore County.

(over)

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
N/S Rayville Rd., 355' W of : OF BALTIMORE COUNTY
Centerline of Walker Rd., :
6th District :
JAMES PATRICK PARDEW, : Case No. 84-297-A
Petitioner :
: : : : :
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

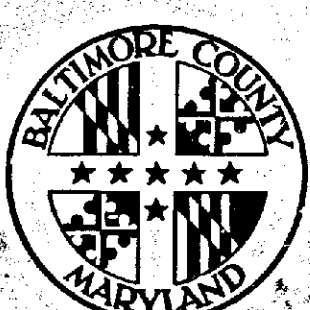
I HEREBY CERTIFY that on this 20th day of April, 1984, a copy of the foregoing Entry of Appearance was mailed to Mr. James P. Pardew, 1005 Rayville Rd., Parkton, MD 21120, Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 26, 1984

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. James Patrick Pardew
1005 Rayville Road
Parkton, Md. 21120

RE: Item No. 235 - Case No. 84-297-A
Petitioner - James P. Pardew
Variance Petition

Dear Mr. Pardew:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
Nicholas B. Connodari
NICHOLAS B. CONNODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

cc: Michael B. Dallas
7008 Harford Road
Baltimore, Md. 21234



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

April 27, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Item #235 (1983-1984)
Property Owner: James P. Pardew
N/S Rayville Rd. 355' W. from centerline
Walker Road
Acres: 2.3 District: 6th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Rayville Road, an existing public road, is proposed to be further improved in the future on a 60-foot right-of-way with horizontal realignment in this vicinity. Further information may be obtained from the Baltimore County Bureau of Engineering Highway Design Section.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

The Petitioner is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall.

A tributary of Owl Branch to Little Falls and Beetree Run traverses this property.

Open stream drainage requires a drainage reservation or easement of sufficient width to cover the flood plain for a 100-year design storm. However, a minimum width of 50 feet is required.

Item #235 (1983-1984)
Property Owner: James P. Pardew
Page 2
April 27, 1984

Storm Drains: (Cont'd)

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewer:

Public water supply and sanitary sewerage are not available to serve this property, which is beyond the Baltimore County Metropolitan District and the Comprehensive Metropolitan Facilities Planning Area.

Baltimore County Water Supply and Sewerage Plans W and S-48, as amended through January 1982, indicate "No Planned Service" in the area.

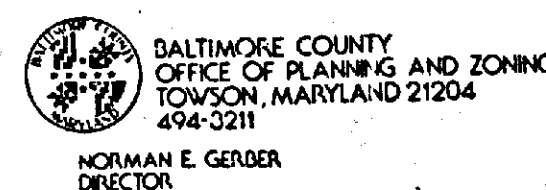
Very truly yours,

Robert A. Norton, P.E., Chief
Bureau of Public Services

RAM:EAM:FWR:rs

cc: John J. Trenner - Attn: J. Klass

KK-SW Key Sheet
131 NW 13 Res. Sheet
NW 33 D Topo
11 Tax Map



Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

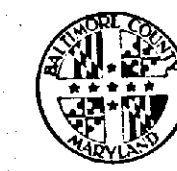
Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- 3/20/84
- Re: Zoning Advisory Meeting of 3/20/84
Item # 235
Property Owner: JAMES P. PARDEW
Location: N/S Rayville Rd. 355' W. of Walker Rd.
- () There are no site planning factors requiring comment.
 - () A County Review Group Meeting is required.
 - () A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
 - () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
 - () A record plat will be required and must be recorded prior to issuance of a building permit.
 - () The access is not satisfactory.
 - () The circulation on this site is not satisfactory.
 - () The parking arrangement is not satisfactory.
 - () Parking calculations must be shown on the plan.
 - () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
 - () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
 - () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
 - () The amended development plan was approved by the Planning Board on [blank].
 - () Landscaping should be provided on this site and shown on the plan.
 - () The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is [blank].
 - () The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
 - () Additional comments: [blank]

Eugene A. Bober
Chief, Current Planning and Development

cc: James Hovell



STEPHEN E. COLLINS
DIRECTOR

April 16, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 235 -ZAC- Mr. ing of March 20, 1984
Property Owner: James P. Pardeu
Location: N/S Rayville Road 355' W. from c/l Walker Road
Existing Zoning: R.C.5
Proposed Zoning: Variance to permit a front yard setback of 50' from the road in lieu of the required 75' and a rear yard setback of 20' in lieu of the required 50'.

Acres: 2.3
District: 6th

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments on the requested variance, but reminds the property to pick a area for the driveway that has about 200' of sight distance.

Michael S. Flanagan
Traffic Engineering Assoc. II

MSF/cmm

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 235, Zoning Advisory Committee Meeting of March 20, 1984

Property Owner: James P. Pardeu
Location: N/S Rayville Road District 6
Water Supply: private Sewage Disposal: private

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- () Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

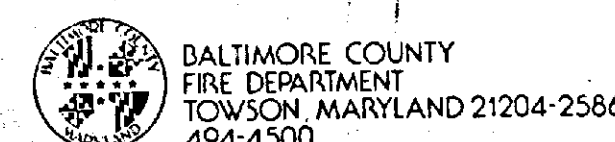
SS 20 1082 (1)

Zoning Item # 235 Zoning Advisory Committee Meeting of March 20, 1984
Page 2

- () Prior to razing of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768.
- () Soil percolation tests (have been must be) conducted. The results are valid until [blank]. Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test [blank] shall be valid until [blank] is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- () Others: Prior to consideration for approval of a building permit for this site, a well must be drilled and satisfactory soil percolation tests must be conducted. For information, petitioner should contact the Division of Support Services at 444-2762.

Ian G. Finkbeiner
Director
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1283 (2) R



PAUL H. REINCKE
CHIEF

March 27, 1984

Mr. William Rowland
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: James P. Pardeu

Location: N/S Rayville Road 355' W. from c/l Walker Road

Item No.: 235 Zoning Agenda: Meeting of 3/20/84

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

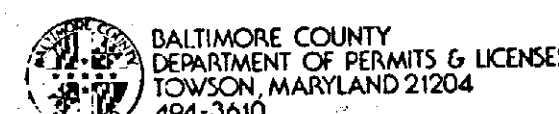
- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at [blank] EXCEEDS the maximum allowed by the Fire Department.

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

Noted and Approved: George M. Wagonette
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb



ED ZAKARI, JR.
DIRECTOR

March 22, 1984

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 235 Zoning Advisory Committee Meeting are as follows:

Property Owner: James P. Pardeu
Location: N/S Rayville Road 355' W. from c/l Walker Road
Existing Zoning: R.C.5
Proposed Zoning: Variance to permit a front yard setback of 50' from the road in lieu of the required 75' and a rear yard setback of 20' in lieu of the required 50'.

Acres: 2.3
District: 6th.

The items checked below are applicable:

- () All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-82 [blank] and other applicable codes.
- (X) A building/structure shall be required before beginning construction.
- () Residential: Three sets of construction drawings are required to file a permit application. [blank] and signatures are required on Plans and Technical Data.
- () Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- () An exterior wall erected within 60' for Commercial uses or 30' for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 30' of lot lines. A firewall is required if construction is on the lot line, see Table 1401, Line 2, Section 1407 and Table 1402, also Section 201-1.
- () Requested variance appears to conflict with the Baltimore County Building Code, Section 4.

- () A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- () Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 1401.

- (X) Comments - There happens to be a 20'-0" change of elevation in the width of the proposed structure. Please provide us with some indication as to how the proposed construction drawings to be designed, signed and sealed by a Registered in Maryland Professional Engineer in the Structural Field.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Series) at 111 V. Chesapeake Ave., Towson.

Very truly yours,

Charles E. Burdick, Chief
Plans Review

CEB:ee

IN RE: PETITION ZONING VARIANCES
N/S of Rayville Road, 355' W. of the centerline of Walker Avenue - 6th Election District
James Patrick Pardeu, Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-297-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit a setback of 50 feet to the centerline of Rayville Road, which runs parallel to the southern property line of the subject property, instead of the required 75 feet and a rear yard setback of 20 feet instead of the required 50 feet, as more fully described on Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants.

Testimony indicated that the subject property, zoned R.C.5, consists of 2.3 acres. The Petitioner purchased one-half of the property, which is unimproved, from its original owner in 1973 and the remainder in 1976. The Petitioner needed road access to other parcels he was developing, and the necessary road frontage was not available unless he purchased the remaining property. This property is unique in that it is long and narrow and "v"-shaped. The property slopes upward from the road at a 30° angle, preventing construction on most of the area. Even where the envelope is proposed, a slope exists. A flood plain and stream exist on the western portion of the property, and a septic reserve area cannot be placed there. To deny the requested variances would make this property useless for any purpose.

The Petitioner seeks relief from Section 1404.3.B.3, pursuant to Section 307, of the Baltimore County Zoning Regulations (BCZR).

ORDER RECEIVED FOR FILING
DATE May 11, 1984
BY [signature]

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement the Petitioner seeks relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on the Petition held, and for the reasons given above, the variances requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 11th day of May, 1984, that the Petition for Variances to permit a setback of 50 feet to the centerline of Rayville Road instead of the required 75

ORDER RECEIVED FOR FILING
DATE May 11, 1984
BY [signature]

feet and a rear yard setback of 20 feet instead of the required 50 feet he and is hereby GRANTED, from and after the date of this Order, subject to the following:

1. No building permit may be issued until such time as the Petitioner submits proof of a satisfactory soil percolation test for approval to the Bureau of Environmental Services, Department of Health.

[Signature]
Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE *May 14, 1984*
BY *[Signature]*
ADMINISTRATIVE ASSISTANT

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Zoning Commissioner
FROM: Norman E. Gerber, Director
Office of Planning and Zoning
SUBJECT: James P. Pardew
84-297-A

There are no comprehensive planning factors requiring comment on this petition.

[Signature]
Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JGH/sf

PETITION FOR VARIANCES

6th Election District

ZONING: Petition for Variances
LOCATION: North side Rayville Road, 355 ft. West of the centerline of Walker Road

DATE & TIME: Monday, May 7, 1984 at 10:00 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variances to permit a setback of 50 ft. to the centerline of the street in lieu of the required 75 ft. and a rear yard setback of 20 ft. instead of the required 50 ft.

Being the property of James Patrick Pardew, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

MICHAEL B. DALLAS

Registered Surveyor
7008 HARFORD ROAD
BALTIMORE, MD. 21234
254-4555

ZONING DESCRIPTION for VARIANCE

BEGINNING for the same in the centerline of Rayville Road at a point distant 355 feet from the intersection of said centerline of said Rayville Road and the centerline of Walker Road thence along the centerline of said Rayville Road the five following courses and distances: 1. southeasterly 124 feet, 2. southeasterly 265 feet, 3. southeasterly 110 feet, 4. northwesterly 150 feet and 5. southeasterly 160 feet, thence leaving said Rayville Road and running with the outlines of the land of James P. Pardew the four following courses and distances: 1. North 32-24-10 west 23 feet, 2. north 23-19-40 west 283.77 feet, 3. south 63-00-35 east 514.93 feet and 4. north 78-58-13 east 419.49 feet, thence southeasterly 15 feet to the centerline of said Rayville Road and the place of beginning.

CONTAINING 2.3 acres of land more or less.

March 5, 1984



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

May 3, 1984

Mr. James Patrick Pardew
1005 Rayville Road
Parkton, Maryland 21120

Re: Petition for Variances
N/S Rayville Road, 355 ft. W of the
c/l of Walker Road
James Patrick Pardew - Petitioner
Case No. 84-297-A

Dear Mr. Pardew:

This is to advise you that \$40.55 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

[Signature]
ARNOLD JABLON
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 130267
DATE *May 7, 1984* ACCOUNT *R-01-615-000*
AMOUNT *40.55*
RECEIVED BY *James Patrick Pardew*
FOR *advertising & posting case # 84-297-A*
6 028*****05516 6074A

April 11, 1984

Mr. James Patrick Pardew
1005 Rayville Road
Parkton, Maryland 21120

NOTICE OF HEARING
Re: Petition for Variances
N/S Rayville Rd., 355' W of the
c/l of Walker Road
James Patrick Pardew - Petitioner
Case No. 84-297-A

TIME: 10:00 A.M.

DATE: Monday, May 7, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

[Signature]
Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 126891
DATE *3/12/84* ACCOUNT *R-01-615-000*
AMOUNT *35.00*
RECEIVED BY *James Patrick Pardew*
FOR *advertising & posting case # 84-297-A*
6 031*****35016 6084A

PETITION FOR VARIANCES

6th Election District

ZONING: Petition for Variances

LOCATION: North side Rayville Road, 355 ft. West of the centerline of Walker Road

DATE & TIME: Monday, May 7, 1984 at 10:00 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variances to permit a setback of 50 ft. to the centerline of the street in lieu of the required 75 ft. and a rear yard setback of 20 ft. instead of the required 50 ft.

Being the property of James Patrick Pardew, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

IN RE: PETITION ZONING VARIANCES
N/S of Rayville Road, 355' W
of the centerline of Walker
Avenue - 6th Election District
James Patrick Pardew,
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-297-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit a setback of 50 feet to the centerline of Rayville Road, which runs parallel to the southern property line of the subject property, instead of the required 75 feet and a rear yard setback of 20 feet instead of the required 50 feet, as more fully described on Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants.

Testimony indicated that the subject property, zoned R.C.5, consists of 2.3 acres. The Petitioner purchased one-half of the property, which is unimproved, from its original owner in 1973 and the remainder in 1976. The Petitioner needed road access to other parcels he was developing, and the necessary road frontage was not available unless he purchased the remaining property. This property is unique in that it is long and narrow and "v"-shaped. The property slopes upward from the road at a 30° angle, preventing construction on most of the site. Even where the envelope is proposed, a slope exists. A flood plain and stream exist on the western portion of the property, and a septic reserve area cannot be placed there. To deny the requested variances would make this property useless for any purpose.

The Petitioner seeks relief from Section 1A04.3.B.3, pursuant to Section 307, of the Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement the Petitioner seeks relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held and for the reasons given above, the variances requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 11th day of May, 1984, that the Petition for Variances to permit a setback of 50 feet to the centerline of Rayville Road instead of the required 75

feet and a rear yard setback of 20 feet instead of the required 50 feet be and is hereby GRANTED, from and after the date of this Order, subject to the following:

1. No building permit may be issued until such time as the Petitioner submits proof of a satisfactory soil percolation test for approval to the Bureau of Environmental Services, Department of Health.

[Signature]
Zoning Commissioner of
Baltimore County

Mr. James Patrick Pardew
1005 Rayville Road
Parkton, Maryland 21120

May 11, 1984

IN RE: Petition Zoning Variances
N/S of Rayville Road, 355' W
of the centerline of Walker
Avenue - 6th Election District
James Patrick Pardew, Petitioner
Case No. 84-297-A

Dear Mr. Pardew:

I have this date passed my Order in the above-referenced matter in accordance with the attached.

Sincerely,

[Signature]
Arnold Jablon
Zoning Commissioner

AJ/orl

Attachment

cc: People's Counsel

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 21, 1984

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

ooo
Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. James Patrick Pardew
1005 Rayville Road
Parkton, Maryland 21120

RE: Item No. 235
Petitioner - James Patrick Pardew
Variance Petition

Dear Mr. Pardew:

Recently, a meeting was held with various members of this Committee in order to discuss the above referenced petition. At that time, it was verbally indicated that revised site plans, reflecting comments from the following department(s), would be required.

Current Planning - Sue Carroll, 194-3335
Health Department - Steve Adamaki, 194-2762
Permits & Licenses - Ted E. Burnham, 194-3987

In order to avoid any future delays in processing this petition, I urge you to personally contact the representative(s) from the above department(s) and discuss the required revisions. When discussing this petition, it should be referred to by the item number. Since it will save you approximately 3-4 weeks in the processing of your petition, this matter should be pursued immediately.

After discussing the comments with the above representative(s), you should contact me at 494-3391 in order to determine the outcome of said discussion and what your future course of action will be.

Very truly yours,

[Signature]
NICHOLAS B. COMMODARI, Chairman
Zoning Plans Advisory Committee
cc: Michael B. Dallas
7008 Harford Road
Baltimore, Maryland 21234

NBC:bsc

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 26, 1984

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

ooo
Nicholas B. Commodari
Chairman
MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. James Patrick Pardew
1005 Rayville Road
Parkton, Md. 21120

RE: Item No. 235 - Case No. 84-297-A
Petitioner - James P. Pardew
Variance Petition

Dear Mr. Pardew:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

[Signature]
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

cc: Michael B. Dallas
7008 Harford Road
Baltimore, Md. 21234

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

April 27, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #235 (1983-1984)
Property Owner: James P. Pardew
N/S Rayville Rd. 355' W. from centerline
Walker Road
Acres: 2.3 District: 6th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Rayville Road, an existing public road, is proposed to be further improved in the future on a 60-foot right-of-way with horizontal realignment in this vicinity. Further information may be obtained from the Baltimore County Bureau of Engineering Highway Design Section.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

The Petitioner is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall.

A tributary of Owl Branch to Little Falls and Beetree Run traverses this property.

Open stream drainage requires a drainage reservation or easement of sufficient width to cover the flood plain for a 100-year design storm. However, a minimum width of 50 feet is required.

Item #235 (1983-1984)
Property Owner: James P. Pardew
Page 2
April 27, 1984

Storm Drains: (Cont'd)

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewer:

Public water supply and sanitary sewerage are not available to serve this property, which is beyond the Baltimore County Metropolitan District and the Comprehensive Metropolitan Facilities Planning Area.

Baltimore County Water Supply and Sewerage Plans W and S-48, as amended through January 1982, indicate "No Planned Service" in the area.

Very truly yours,

[Signature]
ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EAM:FWR:SS

cc: John J. Trenner - Attn: J. Klass

KK-SW Key Sheet
131 NW 13 Pos. Sheet
NW 13 D Topo
11 Tax Map

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

April 16, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 235 -ZAC- Meeting of March 20, 1984
Property Owner: James P. Pardew
Location: N/S Rayville Road 355' W. from c/l Walker Road
Existing Zoning: R.C.5
Proposed Zoning: Variance to permit a front yard setback of 50' from the road in lieu of the required 75' and a rear yard setback of 20' in lieu of the required 50'.

Acres: 2.3
District: 6th

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments on the requested variance, but reminds the property to pick a area for the driveway that has about 200' of sight distance.

[Signature]
Michael S. Flanagan
Traffic Engineering Assoc. II

MST/ccm

BALTIMORE COUNTY DEPARTMENT OF HEALTH
Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 235, Zoning Advisory Committee Meeting of March 20, 1984

Property Owner: James P. Pardew

Location: N/S Rayville Road District 6

Water Supply private Sewage Disposal private

COMMENTS ARE AS FOLLOWS:

- Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Environmental Support Services, for final review and approval.
- Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain requirements for such installation/s before work begins.
- A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- A permit to construct from the Division of Air Pollution Control is required for any chabroiler operation which has a total cooking surface area of five (5) square feet or more.
- Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, sauna, whirlpools, hot tubs, water and sewerage facilities or other amusements pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of "ernal and Child Health.
- If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)

Zoning Item # 235, Zoning Advisory Committee Meeting of March 20, 1984

Page 2

- Prior to raising of existing structure/s, petitioners must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
- Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768.
- Soil percolation tests (have been must be) conducted.
The results are valid until .
Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
- Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- In accordance with Section 13-117 of the Baltimore County Code, the water well yield test is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- Others Prior to consideration for approval of a building permit for this site, a well must be drilled and satisfactory soil percolation test must be conducted. For information, petitioners should contact the Division of Support Services at 494-3762.

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1283 (2) R

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

March 27, 1984

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: James P. Pardew

Location: N/S Rayville Road 355' W. from c/l Walker Road

Item No.: 235 Zoning Agenda: Meeting of 3/20/84

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals of feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: Noted and Approved: George M. Wagnon
Planning Group Fire Protection Bureau
Special Inspection Division

/mb

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

ED ZALSKUR
DIRECTOR

March 22, 1984

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 235 Zoning Advisory Committee Meeting are as follows:

Property Owner: James P. Pardew
Location: N/S Rayville Road 355' W. from c/l Walker Road
Baiting Zoning: R-1
Proposed Zoning: Variance to permit a front yard setback of 50' from the road in lieu of the required 75' and a rear yard setback of 20' in lieu of the required 50'.

Acres: 2.3
District: 6th.

The items checked below are applicable:

- All structures shall conform to the Baltimore County Building Code 1981/Council Bill 4-82 and other applicable codes.
- A building/other shall be required before beginning construction.
- Residential: Three sets of construction drawings are required to file a permit application. and signatures are required on Plans and Technical Data.
- Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer seal is required. Non-reproduced seals and signatures are required on Plans and Technical Data.
- Exterior: An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A firewall is required if construction is on the lot line, see Table 401, Section 1107 and Table 1102, also Section 503.2.
- Requested variance appears to conflict with the Baltimore County Building Code, Section/s .
- A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- Before this office can comment on the above structure, please have the owner, then the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the Baltimore County requirements of Table 502 and the required construction classification of Table 401.
- Comments - There happens to be a 20'-0" change of elevation in the width of the proposed structure. Please provide us with some indication as to how the proposed structure will be constructed. It may be necessary for the proposed construction drawings to be designed, signed and sealed by a Registered in Maryland Professional Engineer in the Structural Field.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of our permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,
Charles E. Burham
Charles E. Burham, Chief
Plans Review

MICHAEL B. DALLAS
Registered Surveyor
7008 HARFORD ROAD
BALTIMORE, MD. 21204
254-4555

ZONING DESCRIPTION
for
VARIANCE

BEGINNING for the same in the centerline of Rayville Road at a point distant 355 feet from the intersection of said centerline of said Rayville Road and the centerline of Walker Road thence along the centerline of said Rayville Road the five following courses and distances:
1. southwesterly 124 feet, 2. southwesterly 263 feet, 3. southwesterly 110 feet, 4. northwesterly 150 feet and 5. southwesterly 140 feet,
thence leaving said Rayville Road and running with the outlines of the land of James P. Pardew the four following courses and distances:
1. North 32-24-10 west 23 feet, 2. north 23-19-40 west 283.77 feet, 3. south 63-00-35 east 514.93 feet and 4. north 78-58-13 east 419.49 feet,
thence southeasterly 15 feet to the centerline of said Rayville Road and the place of beginning.

CONTAINING 2.3 acres of land more or less.

84-297-A

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 12, 1984.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., of one time before the 12th day of May, 1984, the first publication appearing on the 12th day of April, 1984.

THE JEFFERSONIAN,
 Manager.

Cost of Advertisement, \$ 18.00

DUPLICATE

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 12, 1984.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., of one time before the 12th day of May, 1984, the first publication appearing on the 12th day of April, 1984.

THE JEFFERSONIAN,
 Manager.

Cost of Advertisement, \$ 18.00

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

84-297-A

Date of Posting: 4-21-84

District: 6th

Posted for: Variance

Petitioner: James P. Pardew

Location of property: N/S of Rayville Road, 355' W. of the c/l of Walker Road

Location of Sign: North end of Rayville Road, approx. 355' West of Walker Road

Remarks:

Posted by: Date of return: 4-27-84

Number of Signs: 1

L 59291 p 70 4/18

CERTIFICATE OF PUBLICATION

84-297-A

Towson, Md., 5/15 1984.

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for 1 consecutive weeks, the first publication appearing on the 18th day of April, 1984.

The TOWSON TIMES

Cost of Advertisement: \$ 17.55

L 59291 p 70 4/18

CERTIFICATE OF PUBLICATION

84-297-A

Towson, Md., 5/15 1984.

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for 1 consecutive weeks, the first publication appearing on the 18th day of April, 1984.

The TOWSON TIMES

Cost of Advertisement: \$ 17.55

84-297-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 20th day of March, 1984.

ARNOLD JABLON
Zoning Commissioner

Petitioner: James P. Pardew
Petitioner's Attorney:

Received by:
Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee

